

EDUCATION DEPARTMENT [281]
Notice of Intended Action

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby proposes to amend Chapter 21, "Community Colleges," Iowa Administrative Code.

Following the removal in 2006 of the accreditation rules from this chapter into then-new 281—Chapter 24, this chapter of rules has undergone a general comprehensive review involving the following stakeholder groups: Iowa Association of Community College Presidents (IACCP), Iowa Association of Community College Trustees (IACCT), Community College Chief Academic Officers, Iowa Arts and Sciences Administrators (IASA), Community College Career and Technical Deans/Directors, Iowa State Education Association (ISEA), Community College Continuing Education Deans/Directors, Community College Business Officers, Community College Human Resource Directors, Community College Student Services Administrators (ICSSA), Community College Faculty Advisory Committee, Community College Accreditation Advisory Committee, and Community College Professional Development Advisory Committee.

The chapter is being amended now to update language, to provide greater clarity, and to align with statutory changes made to licensure of community college staff and the new senior year plus program legislation in Iowa Code chapter 261E. The rules in division VII (rules 21.57 to 21.63) and division VIII (rules 21.64 to 21.71) are stricken because of statutory repeals. There are no new rules of substance in this notice of intended action.

An agencywide waiver provision is provided in 281—Chapter 4.

Interested individuals may make written comments on the proposed amendments on or before January 12, 2010, at 4:30 p.m. Comments on the proposed amendments should be directed to Colleen Hunt, Bureau Chief, Bureau of Community College Services, Iowa Department of Education, 2nd floor, Grimes State Office Building, Des Moines, Iowa 50319-0146; telephone (515) 281-0319; e-mail colleen.hunt@iowa.gov; or fax (515) 281-6544.

A public hearing will be held on January 12, 2010, 1 – 2 p.m., at the State Board Room, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa, at which time persons may present their views either orally or in writing. Any persons who intend to attend the public hearing and have special requirements such as those related to hearing or mobility impairments should contact and advise the Department of Education of their specific needs by calling (515) 281-3125.

These amendments are intended to implement Iowa Code chapter 260C.

The following amendments are proposed.

Item 1. Adopt new rule **281—21.1(260C)** as follows:
281—21.1(260C) Definitions. For purposes of this chapter, the indicated terms are defined as follows:

"Department" means the Iowa department of education.

"Director" means the director of the department.

Item 2. Amend rule **281—21.2(260C)** as follows:

281—21.2(260C) Administration.

21.2(1) No change.

21.2(2) *Administrative staff.* A community college shall develop an administrative staff appropriate to the size and the purpose of the institution and one which permits the institution to function effectively and efficiently. This administrative staff shall provide effective leadership for the major divisions of the institution including administrative services, adult and continuing education, career and technical education, college parallel education, and student services.

21.2(3) No change.

~~**21.2(4) *Certification.***~~ All administrative staff except for the superintendent shall hold certificates as required to authorize service in their respective areas of responsibility.

~~**21.2(5) 21.2(4) *Financial records and reports.***~~ The community college shall maintain accurate financial records and make reports in the form and pursuant to the timeline prescribed by the ~~state department of education~~ and other state agencies.

~~**21.2(6) 21.2(5) *Enrollment.***~~ A community college shall meet minimum enrollment requirements if it offers instruction as authorized in Iowa Code chapter 260C, and if, to the satisfaction of the state board of education, it is able to provide classes of reasonable economic size as needed by students, meets the needs of the students, and shows by its past and present enrollment and placement record that it meets individual and employment needs.

~~**21.2(7) 21.2(6) *Catalog.***~~ The catalog shall be the official publication of the ~~area school~~ community college. It shall include accurate information on institutional policies, admissions requirements, procedures and fees, refund policies, residency requirements, program enrollment and degree requirements, due process procedures, affirmative action, and other information as recommended by the state department of education. Students' rights and responsibilities may be included in the catalog or in a separate document.

~~**21.2(8) 21.2(7) *Admission and program/course enrollment requirements.***~~

~~*a. Postsecondary age students.* The community college shall maintain an open-door admission policy for students of postsecondary age. This admission policy shall recognize that students should demonstrate a reasonable prospect for success in the program in which admitted. Applicants who cannot demonstrate a reasonable prospect for success in the program for which they apply should be assisted to enroll in courses where deficiencies may be ~~remedied~~ remediated or into other programs appropriate to the individual's preparation and objectives. The community college may set reasonable requirements for student enrollment in specified programs and courses. Admissions and program enrollment requirements established by each community college shall be published in the community college catalog.~~

~~*b. High school age students.* High school age students who can be better served by community college programs may be authorized to undertake such work with the cooperative approval of the community college administration and the administration of the local school district.~~

~~**21.2(9) 21.2(8) *School Academic year.***~~ The length of the school academic year of the community college shall provide for the effective use of the physical plant and include a minimum of 48 weeks of operation. The school year may consist of: two semester terms and one summer term, three trimester terms, or four quarter terms, and shall be a period of time beginning with the first day of the fall term and continuing through the day preceding the start of the next fall term as indicated in the official college calendar. A community college may use any one or more of the three school years identified above or may offer instruction in units of length (i.e., days and weeks) keyed to consistent with the identified scope and depth of the instructional content.

~~**21.2(10) 21.2(9) *Graduation Award requirements.***~~ The director shall approve all new credit certificate, diploma, and degree award programs in accordance with Iowa Code section 260C.14. Graduation Awards from a community college shall be certified by the issuance of appropriate recognition, pursuant to award approval requirement guidelines issued by the

department, indicating the type of program the student has completed. The minimum number and maximum number of credit hours required for each award type contained within this subrule may be waived pursuant to paragraph 21.2(13)"i."

~~a. Associate in arts or an associate in science. The degree issued to a person who has satisfied curricular requirements that consist of content equivalent to a two-year college parallel curriculum shall certify that its recipient is either an associate in arts or an associate in science.~~

~~b. Associate in applied arts or an associate in applied science. The degree issued to a person having satisfied curricular requirements and demonstrated competence for employment in the occupational field for which the program was designed shall certify that its recipient is either an associate in applied arts or an associate in applied science. Typically, these degrees apply to occupations requiring significant amounts of applied scientific and mathematical knowledge or occupations in which the individual will work in direct support of a professional.~~

~~c. Associate in general studies. The degree issued to a person who has satisfied the curricular requirements of a two-year program other than set forth in subrule 21.2(10) shall certify that its recipient is an associate in general studies.~~

~~d. Diploma. The recognition granted to a person who has been graduated from a curriculum other than set forth in 21.2(10) but of not less than 12 weeks in length shall be a diploma.~~

~~e. Certificate. A certificate of completion may be issued to certify that a student has satisfactorily completed a course of instruction other than the above.~~

a. Associate of Arts (AA). The degree is awarded upon completion of a college parallel (transfer) course of study that provides a strong general education component to satisfy the lower division general education liberal arts and sciences requirements for a baccalaureate degree. An associate of arts degree shall consist of a minimum of 60 semester (90 quarter) credit hours and a maximum of 64 semester (96 quarter) credit hours.

b. Associate of Science (AS). The degree is awarded upon completion of a course of study that requires a strong background in mathematics or science. The degree is intended to prepare students to transfer and initiate upper-division work in baccalaureate programs or prepare them for employment. An associate of science degree may also be awarded upon completion of a state-approved associate of science – career option (AS-CO) program of study that includes core technical coursework needed to complete a concentration in a specific field of study. The AS-CO program shall prepare students for entry-level careers and to complete requirements for transfer to a baccalaureate degree. An associate of science degree awarded upon completion of an arts and sciences course of study shall consist of a minimum of 60 semester (90 quarter) credit hours and a maximum of 64 semester (96 quarter) credit hours. An associate of science degree awarded upon completion of an AS-CO course of study shall consist of a minimum of 60 semester (90 quarter) credit hours and a maximum number of credit hours stated in program guidelines issued by the department. An associate of science degree awarded upon completion of an AS-CO course of study shall not consist of more than 70 semester (117 quarter) credit hours without an approved waiver pursuant to paragraph 21.2(13)"i."

c. Associate of General Studies (AGS). The degree is awarded upon completion of a course of study that is primarily designed for acquiring a broad educational background rather than pursuing a specific college major or professional/technical program. It is intended as a flexible course of study and may include specific curriculum in lower division transfer, occupational education, or professional-technical education. An associate of general studies degree shall consist of a minimum of 60 semester (90 quarter) credit hours and a maximum of 64 semester (96 quarter) credit hours.

d. Associate of Applied Science (AAS). The degree is awarded upon completion of a state-approved program of study that is intended to prepare students for entry-level career and technical occupations. An associate of applied science degree shall consist of a minimum of 60 semester (90 quarter) credit hours and a maximum of 86 semester (129 quarter) credit hours.

The general education component of the associate of applied science degree program shall constitute a minimum of 12 semester (18 quarter) credit hours of general education and shall include at least one course from each of the following areas: communications, social science and/or humanities, and mathematics and/or science. The technical specialty component of the associate of applied science degree shall constitute a minimum of 50 percent of the course credits.

e. Associate of Applied Arts (AAA). The degree is awarded upon completion of a state-approved program of study that is primarily intended for career training in providing students with professional skills for employment in a specific field of work such as arts, humanities, or graphic design areas. An associate of applied arts degree shall consist of a minimum of 60 semester (90 quarter) credit hours and a maximum of 86 semester (129 quarter) credit hours. The general education component of the associate of applied arts degree program shall constitute a minimum of 12 semester (18 quarter) credit hours of general education and shall include at least one course from each of the following: communications, social science and/or humanities, and mathematics and/or science. The technical specialty component of the associate of applied arts degree shall constitute a minimum of 50 percent of the course credits.

f. Diploma. The diploma is awarded upon completion of a state-approved program of study that is a coherent sequence of courses consisting of a minimum of 15 semester (22.5 quarter) credit hours and a maximum of 48 semester (72 quarter) credit hours including at least 3 semester (4.5 quarter) credit hours of general education. The general education component shall be from any of the following areas: communications, social science and/or humanities, and mathematics and/or science. A diploma may be a component of and apply toward subsequent completion of an associate of applied science or associate of applied arts degree.

g. Certificate. The certificate is awarded upon completion of a state-approved program of study that is designed for entry-level employment and shall consist of a maximum of 48 semester (72 quarter) credit hours. A certificate may be a component of and apply toward subsequent completion of a diploma and/or associate of applied science and/or associate of applied arts degree and may be developed in rapid response to business and industry. A certificate may consist of only career and technical courses and no general education course requirements.

~~21.2(11)~~ **21.2(10)** *Academic records.* The community college shall maintain in perpetuity for each student the complete academic record including every course attempted and grade received. An official transcript must be created at the time of course enrollment. The credit hour(s) and grade must be recorded on the student's official transcripts upon completion of a community college course. These records ~~should~~ shall be kept in ~~fire-resistant~~ disaster-resistant storage, unless other equivalent safeguards are used, such as maintaining a duplicate ~~file~~ files (~~microfilm~~ electronic or otherwise) in a separate ~~building~~ facilities. The method of storage shall be consistent with current technology to ensure the ability to retrieve records. The community college shall implement a security plan that ensures the confidentiality of student records.

~~21.2(12)~~ **21.2(11)** *Resident policy.* There shall be adopted for all community colleges a uniform policy for the determination of permanent residence for tuition purposes.

~~21.2(13)~~ **21.2(12)** *Credit hour hours.* Credit hours shall be determined ~~in line~~ consistent with the following procedures.

a. Specifically stated criteria are minimal requirements only, which institutions may exceed at their discretion.

b. ~~Instruction~~ Conventional instruction is subdivided into four instructional methods as herein defined.

(1) to (3) No change.

(4) Work experience — ~~work~~ employment-related experience planned and coordinated by an institutional representative and the employer, with control and supervision of the student on the job being the responsibility of the employer.

~~e. Structured culminating activity(ies) for each course offering is above and beyond the minimal instructional requirements. Appropriate activities for structured culminating activity(ies) include but are not limited to:~~

~~(1) Written final examinations.~~

~~(2) Oral final examinations.~~

~~(3) Skill performance evaluations.~~

~~(4) Other structured activities deemed supplementary to the instructional process.~~

~~d. c. No registration or orientation hours may be included when determining credit hours.~~

~~e. d. Institutions shall take into account the soundness of the learning environment being created by the scheduling sequence and length of classroom, laboratory, clinical, and work experience sessions. However, the final decision on these matters is left to the institutional administration so long as minimal standards are met.~~

~~f. A fractional unit of credit may be awarded in a manner consistent with the specific minimal credit course requirements.~~

~~g. e. Only minutes for students officially registered for courses or programs, including audit registration, may be included when determining credit hours.~~

~~h. f. Credit hours shall be identified for self-paced courses or programs in accordance with the credit hours that would have been assigned if the program had been taught by conventional methods. Each community college must establish a policy that defines its methods of equating alternative instruction to credit hours and the process for evaluating the effectiveness of the alternative instruction to meet or exceed the expected student outcomes as if the course were taught utilizing conventional methods in paragraph 21.2(12)“b.” Colleges will be held accountable for evaluating and maintaining high quality programs and their evaluations may be subject to department review. Students shall be expected to meet all approved course requirements and shall be expected to demonstrate the acquisition of knowledge and competencies/outcomes at the same level as those obtained in traditional classroom settings, in the timeframes set by the institution. Alternative courses or programs of study must be approved by the college’s review processes including faculty review and input. Courses shall be listed in the college catalog. Instructional formats for which alternative methods of determining credit hours are applicable include the following:~~

~~(1) Accelerated courses (study, programs). Courses or programs of study that allow students to complete courses or programs at a faster pace than if offered by conventional methods. Courses and programs shall be tailored to involve more student participation and self-directed study. Instructors may teach in traditional classroom settings or by alternative methods specified in this section.~~

~~(2) Distance education. Courses or programs of study taught over the Internet, Iowa Communications Network (ICN), or other electronic means that allow students to receive instruction in the classroom or other sites, over personal computers, television, or other electronic means. Courses may or may not be interactive with direct communication between the teacher and students. Credit hours shall be awarded in accordance with the credit hours that would have been assigned if the course or program were taught by conventional methods.~~

~~(a) Correspondence courses. Courses offered outside of the classroom setting in which the instruction is delivered indirectly to the student. Instruction is provided through another medium, such as written material, computer, television, or electronic means. Course materials are sent to a student who follows a detailed syllabus to complete assignments. Students correspond with and transmit assignments to the instructor by telephone, computer, mail, or other electronic means. A third party may administer tests.~~

~~(b) Television courses. Courses or programs delivered primarily via broadcast television such as Iowa Public Television, digital video disc, or other media~~

allowing students to receive instruction in a classroom or equipped remote location.

- (c) Video conference courses. Courses or programs delivered via closed synchronous audio-video conferencing system such as the Iowa Communications Network or similar system which allows students to receive instruction in a classroom or any equipped remote location via an audio-video feed to a television, computer, or other electronic device.
- (d) Internet courses. Courses or programs delivered via the Internet. Courses may be taken using computers in a classroom setting or using personal computers or other electronic devices from the student's home or other location using an online content management system or mixed-media methods. Students may be linked at times directly with the instructor or with other students electronically. Interaction may be direct (synchronous) or indirect (asynchronous) allowing students to participate during their own timeframes.
- (e) In-class hybrid courses. Courses or programs that combine traditional classroom and computer-based instruction. In-class sessions are offered with online instructional activities to promote independent learning and reduce seat-time.

(3) Self-paced instruction. Courses or programs that permit students to enter at variable times or progress at his or her own rate of speed. Start and end dates may or may not correspond to the official college calendar. Contact or credit hours for self-paced programs or courses shall be computed by assigning to each registration the total number of credit or contact hours the student would have received if the student enrolled in a conventional program or course with stipulated beginning and ending dates.

(4) Arranged study. Instruction offered to students at times other than stated or scheduled class times to accommodate specific scheduling or program needs of students. Credit hours shall be awarded in accordance with the credit hours that would have been assigned if the course or program were taught by conventional methods.

(5) Multi-format nontraditional instruction. Instruction utilizing a variety of nontraditional methods that may incorporate self-paced learning, text, video, computer instructional delivery, accelerated training, independent study, internet delivery, or other methods that do not follow standard classroom work guidelines. Credit hours shall be awarded in accordance with the credit hours that would have been assigned if the course or program were taught by conventional methods.

i. g. Individualized learning experiences for which an equivalent course is not offered shall have the program length computed from records of attendance using such procedures as a time clock or sign-in records. Individualized learning experiences means independent study courses in which an equivalent course is not offered by the college or listed in the college catalog. Independent study permits in-depth or focused learning on special topics of particular interest to the student.

h. Each course must have a minimum length of one credit hour. A fractional unit of credit may be awarded provided the course exceeds the minimum length of one credit hour.

i. Each credit hour shall consist of a minimum number of contact hours as defined in paragraphs 21.2(12)"h" – "m." One contact hour equals 50 minutes.

j. Classroom work.

(1) The minimal requirements requirement for one semester hour of credit shall be 800 minutes (16 contact hours) of scheduled instruction plus (when applicable) a scheduled culminating activity.

(2) The minimal ~~requirements~~ requirement for one quarter hour of credit shall be 533 minutes (10.7 contact hours) of scheduled instruction ~~plus (when applicable) a scheduled culminating activity.~~

k. Laboratory work.

(1) The minimal requirement for one semester hour of credit shall be 1,600 minutes (32 contact hours) of scheduled laboratory work ~~plus (when applicable) a scheduled culminating activity.~~

(2) The minimal requirement for one quarter hour of credit shall be 1,066 minutes (21.3 contact hours) of scheduled laboratory work ~~plus (when applicable) a scheduled culminating activity.~~

l. Clinical practice.

(1) The minimal ~~requirements~~ requirement for one semester hour of credit shall be 2,400 minutes (48 contact hours) of scheduled clinical practice ~~plus (when applicable) a scheduled culminating activity.~~

(2) The minimal requirement for one quarter hour of credit shall be 1,599 minutes (32 contact hours) of scheduled clinical practice ~~plus (when applicable) a scheduled culminating activity.~~

m. Work experience.

(1) The minimal requirement for one semester hour of credit shall be 3,200 minutes (64 contact hours) of scheduled work experience ~~plus (when applicable) a scheduled culminating activity.~~

(2) The minimal requirement for one quarter hour of credit shall be 2,132 minutes (42.6 contact hours) of scheduled work experience ~~plus (when applicable) a scheduled culminating activity.~~

21.2(13) Career and technical program length.

a. Program length for the associate of applied sciences (AAS) degree in career and technical education and for the associate of applied arts (AAA) degree shall consist of an academic program not to exceed two academic years. All required course offerings are to be available within two academic years. All required offerings in AAS and AAA degree programs shall not exceed a maximum of 86 semester (129 quarter) credit hours unless the department of education has granted a waiver pursuant to paragraph 21.2(13)“i.” Programs shall not exceed an average of 19 credit hours per regular term.

b. All credit-bearing courses required for program admittance or graduation, or both, must be included in the 86 semester(129 quarter) credit hour maximum, with the exception of developmental credit hours. Prerequisites that provide an option to students for either credit or noncredit shall be counted toward the program maximum of 86 semester (129 quarter) credit hours. Prerequisite options that are only offered for noncredit will not be counted toward the 86 semester (129 quarter) credit hour maximum.

c. Associate of applied science (AAS) and associate of applied arts (AAA) programs that receive accreditation from nationally-recognized accrediting bodies may appeal maximum credit hour length requirements to the department of education for consideration of a waiver. All AAS and AAA degree programs over the 86 semester (129 quarter) credit hour maximum must have approved program-length waivers pursuant to paragraph 21.2(13)“i.”

d. Program length for the state-approved associate of science degree shall consist of an academic program that includes core technical coursework needed to complete a concentration in a specific field of study. The associate of science-career option program may prepare students for entry-level careers or complete requirements for a transfer to a baccalaureate degree. The associate of science-career option program shall not exceed the credit hour limit stated in department guidelines. To facilitate the transfer of students enrolling in associate of science-career option programs and awarded the associate of science transfer degree, each program shall have articulation agreements with baccalaureate degree programs meeting the

articulation agreement requirements stated in department guidelines. The associate of science-career option program shall under no circumstances exceed a maximum of 70 semester (117 quarter) credit hours unless the department of education has granted a waiver pursuant to paragraph 21.2(13)“i.”

e. All credit certificate and diploma programs as defined in subrule 21.2(9) shall not exceed 48 semester (72 quarter) credit hours.

f. Each course offered in the area of career and technical education shall be taught in the shortest practical period of time at a standard consistent with the quality and quantity of work needed to prepare the student for successful employment in the occupation for which instruction is being offered.

g. A full-time student in career and technical education shall be defined as a student enrolling in 12 or more semester credit hours or the equivalent in career and technical education.

h. Curricula in full-time career and technical education programs shall ordinarily be offered on the basis of student workload of 20 to 30 contact hours per week.

i. Waiver process. A college may petition the department to suspend in whole or in part a program length requirement contained in paragraphs 21.2(12)“h” – “m” as applied to a specific program on the basis of the particular circumstances of that program.

(1) Waivers shall be issued at the director’s sole discretion. Waivers shall be narrowly-tailored and granted for a period no longer than two academic years, after which re-application is required. A waiver may be granted on a longer term basis not exceeding ten years if issuing the waiver on a shorter term is not practical.

(2) All petitions for waiver must be submitted in writing to the department. A petition shall include the following information: specific waiver request including scope and duration, the relevant facts that the petitioner believes would justify a waiver, a detailed statement of the impact on student achievement, any information known regarding the department’s treatment of similar cases, any additional information deemed relevant by the petitioner. The department shall acknowledge a petition upon receipt.

(3) The department shall ensure that within 30 calendar days, notice of pendency of the petition and a concise summary of its contents have been provided to a committee consisting of the chief academic officers of each community college. In addition, the department may give notice to other persons.

(4) A committee consisting of the chief academic officers of a majority of community college shall review the waiver request and provide a recommendation to the department regarding whether approval should be granted. Within 90 calendar days of receiving the recommendation, the department shall review the petition and issue a ruling. Failure of the department to grant or deny a petition within the required time period shall be deemed a denial of that petition. If a waiver is issued, the department shall provide a description of the precise scope and operative period to all interested parties.

21.2(14) Faculty organization. The faculty shall be organized in such a way as to promote communication among administration, faculty and students and to encourage faculty participation in the development of the curriculum, instructional procedures, general policies, and such other matters as are appropriate.

21.2(15) Faculty salary allocation plan. Pursuant to the appropriation of funds from the state general fund to the department for the purpose of supplementing community college faculty salaries, the department follows the formula herein when distributing such funds to community colleges.

a. For purposes of this subrule, the following definitions apply.

(1) “Full-time faculty” means those nonadministrative instructors, counselors, and librarians who are classified as full-time employees as defined in the college’s collective bargaining agreement or written policy.

(2) “Part-time faculty” means those nonadministrative instructors, counselors, and librarians who are employed less than full-time as defined in the college’s collective bargaining agreement and who are covered by the college’s collective bargaining agreement. For purposes of the definition of “eligible full-time equivalent instructor,” each part-time faculty person shall be counted as a fraction that accurately reflects the person’s percentage of employment by the college when compared to a full-time faculty person.

(3) “Temporary/seasonal faculty” means those nonadministrative instructors, counselors, and librarians who are employed, full-time or part-time, by the college for short periods of time for specific purposes.

(4) “Adjunct faculty” means those nonadministrative instructors, counselors, and librarians who are employed without a continuing contract, whose teaching load does not exceed one-half time for two full semesters or three full quarters per calendar year.

(5) “Eligible full-time equivalent instructor” means the total of full-time faculty and part-time faculty where each full-time faculty counts as one, and each part-time faculty counts as a fraction that accurately reflects the person’s percentage of employment by the college when compared to a full-time faculty person.

b. The appropriation shall be distributed to the community colleges based on their proportional share of eligible full-time equivalent instructors.

c. Moneys distributed to each community college hereunder shall be rolled into the funding allocation for all future years. The use of the funds shall remain as described herein for all future years. The appropriation will be distributed to the community colleges in equal monthly payments made on or about the fifteenth of each month.

d. Moneys appropriated and distributed to community colleges herein shall be used to supplement and not supplant any approved faculty salary increases or negotiated agreements, excluding the distribution of the funds herein. Eligible expenditures for the moneys appropriated are for salary expenditures and the required college contribution to FICA and IPERS or alternative retirement benefits system. These moneys shall then be considered as part of the instructor’s salary in future years.

e. Moneys distributed to a community college hereunder shall be allocated to all full-time faculty and shall include part-time faculty covered by a collective bargaining agreement. The moneys shall be allocated pursuant to any existing negotiated agreements according to Iowa Code chapter 20. If no language exists to specify the method of allocation, the moneys shall be allocated equally to all full-time faculty with part-time faculty who are covered by a collective bargaining agreement receiving a prorated share.

f. A community college receiving funds distributed pursuant to this section shall determine the amount to be paid to instructors in accordance with subsection 4 and the amount determined to be paid to an individual instructor shall be divided evenly and paid in each pay period of the fiscal year.

Item 3. Rescind and reserve rule 281—21.3(260C).

Item 4. Amend rule 281—21.4(260C) as follows:
281—21.4(260C) Curriculum and evaluation.

21.4(1) General education. General education is intended to provide breadth of learning to the community college experience. General education imparts common knowledge, promotes intellectual inquiry, and stimulates the examination of different perspectives, thus enabling people to function effectively in a complex and changing world. General education tends to emphasize oral and written communication critical analysis of information, knowledge and appreciation of diverse cultures, ways of knowing and human expression, knowledge of mathematical processes and natural sciences investigations, and ethics. General education

courses are not intended to be developmental in nature. Each community college is responsible for clarifying, articulating, publicizing, and assessing its general education program.

21.4(1) 21.4(2) College parallel or transfer.

a. This program shall offer courses that are the equivalent of the first two years of a baccalaureate program and may also include: such courses as may be necessary to develop skills that are prerequisite to other courses and objectives; and specialized courses required to provide career options within the college parallel program. College parallel or transfer programs are associate of arts and associate of science degree programs. General education courses in college parallel or transfer programs are required to be college transfer courses. A follow-up of students terminating shall be conducted to determine how well students have succeeded and which adjustments in the curriculum, if any, need to be made.

b. Courses of a developmental or remedial nature or prefreshman level shall not bear college transfer credit and shall be clearly identified in the college catalog ~~and on transcripts.~~ Developmental courses on the transcript shall be identifiable through the adoption of the community college common course numbering system.

21.4(2) 21.4(3) Vocational Career and technical education. Instruction shall be offered in vocational career and technical education programs in no less than five different occupational fields as defined by the state department of education. College parallel courses may be offered as needed in career and technical education programs. Career and technical education programs, including associate of science-career option programs, must meet program approval requirements set by the state board of education. The director shall approve new career and technical education programs. Instruction shall be offered in ~~vocational~~ career and technical education programs, ensuring that they are competency-based, contain all minimum competencies required by the department of education, articulate with local school districts vocational career and technical education programs, and comply with any applicable requirements in Iowa Code chapter 258. The occupational fields in which instruction is offered shall be determined by merged area and geographical area needs as identified by surveys in these areas. Occupational advisory committees may be used to assist in developing and maintaining instructional content, including leadership development.

21.4(3) 21.4(4) Adult and continuing education. Adult education shall be offered and may include adult basic education, adult continuing and general education, college parallel, high school completion, supplementary and preparatory career education programs, and other programs and experiences as may be required to meet the needs of people in the merged area.

21.4(4) Programs for the handicapped. ~~Surveys shall be conducted in each merged area to determine the educational needs of persons who, due to academic, socioeconomic, or other handicaps, are prevented from succeeding in regular educational programs. These surveys would then serve as a basis for appropriate modifications in facilities, materials, and instructional arrangements. The modifications would then make it possible for those whose abilities and interests warrant it to enroll in such programs.~~

21.4(5) No change.

21.4(6) Vocational education.

~~a. Each course offered in the area of vocational education shall be taught in the shortest practical period of time at a standard consistent with the quality and quantity of work needed to prepare the student for successful employment in the occupation for which instruction is being offered.~~

~~b. A full-time student in vocational education shall be defined as one who is taking 12 or more credit hours or the equivalent in vocational education.~~

~~c. Curricula in full-time vocational education programs shall ordinarily be offered on the basis of a workload of 20 to 30 contact hours per week.~~

Item 5. Amend rule 281—21.5(260C) as follows:

281—21.5(260C) Library or learning resource center.

21.5(1) Facilities. Community college libraries or learning resource centers shall provide the facilities and resources needed to support the total educational program of the institution and ~~should~~ shall show evidence that the facilities and the resources are being used effectively and efficiently. Adequate consideration shall be given to the seating, comfort, ~~and setting, and technology~~ of the facility used to house the collection and learning resources.

21.5(2) Staffing. The library or learning resource center shall be adequately staffed with qualified ~~and certified~~ professionals and skilled nonprofessional personnel.

21.5(3) Collection. The library and learning resource center materials collection of a community college shall be accessible and adequate in size and scope to serve effectively the number and variety of programs offered and the number of students enrolled, including distance and satellite sites. The library and learning resource center materials collection shall show evidence of having been selected by faculty as well as professional library or learning resource staff and shall be kept up-to-date through a planned program of acquisition and deletion. The library and learning resource center materials collection shall contain ~~an appropriate~~ a range and number of print and ~~nonprint~~ non-print materials, ~~effectively organized and quartered in a manner which maximizes use~~ and appropriate electronic information resources.

21.5(4) No change.

Item 6. Amend rule **281—21.6(260C)** as follows:

281—21.6(260C) Student services. A program of student services shall be provided to meet the needs of students in the community college. The program of student services shall include, but is not limited to, the following ~~seven~~ functional areas:

a. to g. No change.

h. Campus safety and security as required by Iowa Code chapter 260C and the federal Clery Act, 20 U.S.C. § 1092(f), 34 C.F.R. § 668.46.

Item 7. Amend rule **281—21.7(260C)** as follows:

281—21.7(260C) Laboratories, ~~shops,~~ equipment and supplies. Laboratories, ~~shops,~~ equipment and supplies shall be comparable with that used in the occupations for which instruction is offered ~~shall be provided in accordance with the conditions of the most recent state plan for vocational education~~. Similarly, college parallel or transfer courses shall be supported in a manner comparable to those conditions which prevail in standard, regionally accredited colleges and universities in which students may wish to transfer college credits.

Item 8. Amend rule **281—21.8(260C)** as follows:

281—21.8(260C) Physical plant. The site, buildings and equipment of the community college shall be well maintained and in good repair condition. ~~A consistent plan of systematic maintenance~~ At a minimum, a five-year ongoing, systematic maintenance and facilities plan approved by the local community college board shall be in evidence. The physical plant shall be adequate in size and properly equipped for the program offered ~~and shall conform to Iowa Code chapter 104A.~~ All remodeling of existing facilities shall comply with the “American Standard Specifications for Making Building and Facilities Accessible to and Usable by the Physically Handicapped.” Iowa Code chapter 104A and the federal Americans with Disabilities Act, 42 U.S.C. § 12101 et seq.

Item 9. Rescind rule **281—21.9(260C)** and replace with the following new rule **281—21.9(260C)**:

281—21.9(260C) Non-reimbursable facilities. No facility intended primarily for events for which admission may be charged nor any facility specially designed for athletic or recreational activities other than physical education, shall be constructed with state-appropriated funds.

Item 10. Rescind and reserve rules **281—21.10(260C)**, **281—21.11(260C)**, and **281—21.12(260C)**.

Item 11. Amend subrule **21.45(1)**, definitions of “Base funding,” “Base year,” “Contact hour,” “Credit hour,” “Eligible credit courses,” “Eligible student,” “Fiscal year,” and “Inflation rate” as follows:

“*Base funding allocation*” means the amount of general state financial aid each community college received ~~as an allocation from appropriations made from the state general fund~~ in the base year.

“*Base year*” means the fiscal year ~~ending during the calendar year in which a budget is certified~~ immediately preceding the budget year.

“*Contact hour*” for a noncredit course equals 50 minutes of contact between an instructor and students in a scheduled course offering for which students are registered.

“*Credit hour*,” for purposes of community college funding distribution, shall be as defined in subrule ~~21.2(13)~~ 21.2(12).

“*Eligible credit courses*” means all credit courses that are eligible for inclusion in the FTEE calculation for distribution of general state financial aid and which must be ~~are~~ a part of an a department-approved program of study. Developmental education courses that award credit hours are eligible for inclusion in the FTEE calculation. The department of education shall review and provide a determination should a question of eligibility occur.

“*Eligible student*” means a student enrolled in eligible credit or eligible noncredit courses. Ineligible students include students enrolled in courses that deal with recreation, hobbies, casual culture, or self-enjoyment subjects; programs or contracts funded from 260E sources; students in high school completion programs registered with a community college on or before ~~the third Friday in September~~ October 1, which are claimed for funding by a K-12 school district; students registered as a part of the department of corrections contracts through the state penal institutions; students served for the sole purpose of testing; or students who ~~reside in nursing homes~~ who have no reasonable opportunity to benefit. The department of education shall review and provide a determination should a question of eligibility occur.

“*Fiscal year*” means ~~a year~~ the period of 12 months beginning July 1 of a given calendar year and ending June 30 of the next calendar year.

“*Inflation rate*” ~~shall be calculated by determining the percent change in the consumer price index for all urban consumers (CPI-U) as a percent change from the value for the quarter ending June 30 twelvemonths prior to the beginning of the base year to the value for the quarter ending June 30 prior to the base year~~ means the average of the preceding 12-month percentage change, which shall be computed on a monthly basis, in the consumer price index for all urban consumers, seasonally adjusted, published by the United States Department of Labor, Bureau of Labor Statistics, calculated for the calendar year ending six months after the beginning of the base year.

Item 12. Rescind the definitions of “Academic year” and “Eligible noncredit courses” in subrule **21.45(1)**.

Item 13. Adopt the following **new** definitions in subrule **21.45(1)**:

“*Academic success*,” for the purposes of determining whether a noncredit course meets eligibility requirements, means courses designed for the specific purpose of advancing a

person's knowledge in traditional educational studies, such as mathematics, science, literature, and history, for the purpose of preparing individuals for college or a career.

"Below-average support per FTEE" for a community college means the state-average combined support per FTEE minus the combined support per FTEE for the community college if the community college's combined support per FTEE is less than the state-average combined support per FTEE.

"Budget year" means the fiscal year for which moneys are appropriated by the general assembly.

"Combined support" for a community college means the total amount of moneys the community college received in general state financial aid in the base year plus the community college's general fund property tax revenue, including utility replacement, for the base year.

"Combined support per FTEE" for a community college means community college's combined support divided by its three-year rolling average full-time equivalent enrollment for the three years prior to the base year.

"Community or public policy," for the purposes of determining whether a noncredit course meets eligibility requirements, means courses designed to focus on the systematic analysis of public policy issues and decision processes including instruction in the role of economic and political factors in public decision-making and policy formation, microeconomic analysis of policy issues, and other related topics.

"Eligible growth support" for a community college is the community college's below-average support per FTEE multiplied by its three-year rolling average FTEE.

"Eligible noncredit courses" means all noncredit courses eligible for inclusion in the FTEE calculation that is a component of the state aid distribution formula. In order for a noncredit course to be considered eligible, the course curriculum must be consistent with learning associated with professional, academic, or employment pursuits. To be included in the FTEE calculation, courses may not be ineligible noncredit courses. The Department shall review and provide a determination should a question of eligibility of a course occur.

a. The intent and content of the courses must meet one of the following requirements:

- (1) The program is state or federally-mandated, state-recognized, or court ordered/referred.
- (2) The program's intended audience is 16 years old or older.
- (3) The program enhances employability or academic success.
- (4) The program teaches skills to enable participants to influence community or public policy.
- (5) The program teaches life skills that enhance family development or family health.

b. To be eligible for inclusion in the FTEE calculation, noncredit student enrollment in any of the following categories may not exceed 240 contact hours per student per year.

- (1) Adult basic education.
- (2) English literacy.
- (3) English literacy citizenship.
- (4) General education development.
- (5) Community rehabilitation programs.

c. To be eligible for inclusion in the FTEE calculation, noncredit student enrollment in any of the following categories may not exceed 300 contact hours per student per year.

- (1) Adult high school diploma course.
- (2) High school diploma course.
- (3) Alternative high school.

“Enhances employability,” for the purposes of determining whether a noncredit course meets eligibility requirements, means courses designed for the specific purpose of upgrading the skills of persons employed and retraining persons for new employment.

“Family/individual development and health,” for the purposes of determining whether a noncredit course meets eligibility requirements, means courses designed for the specific purpose of upgrading the skills of persons related to how individuals function in family, work, and community settings and how they relate to their physical, social, emotional, and intellectual environments. The department shall provide guidance with examples of eligible and ineligible noncredit individual development and health courses.

“General state financial aid” means the amount of general state financial aid the community college received from the general fund.

“Ineligible noncredit courses,” means noncredit courses ineligible for inclusion in the FTEE calculation that is a component of the state aid distribution formula. Ineligible noncredit courses include courses designed for recreation, hobbies, casual culture, or self-enjoyment subjects; programs or contracts funded from 260E sources; students in high school completion programs registered with a community college on or before October 1, which are claimed for funding by a school district; students registered as a part of the department of corrections contracts through the state penal institutions; students served for the sole purpose of testing; or students who have no reasonable ability to benefit.

“Inflation adjustment amount” means the inflation rate minus two percentage points multiplied by the base funding allocation. The inflation adjustment amount shall not be less than zero.

“State average combined support per FTEE” means the average of the combined support per FTEE for all community colleges in the state in the base year.

“Three year rolling average full-time equivalent enrollment” means the average of the audited full-time equivalent enrollment for a community college over the three fiscal years prior to the base year as determined by the department.

“Total growth support amount” means the sum of the eligible growth support for all of the community colleges.

Item 14. Rescind subrules **21.45(2)** to **21.45(8)**.

Item 15. Adopt new subrules **21.45(2)** to **21.45(4)** as follows:

21.45(2) Distribution formula. Moneys appropriated by the general assembly from the general fund to the department for community college purposes for general state financial aid for a budget year shall be allocated to each community college by the department as follows:

a. If the inflation rate is equal to two percent or less:

(1) *Base funding allocation.* The moneys shall first be allocated in the amount of general state financial aid each community college received in the base year. If the appropriation is less than the total of the amount of general state financial aid each community college received in the base year, the moneys shall be allocated in the same proportion as the allocation of general state financial aid each community college received in the base year.

(2) *Marginal cost adjustment.* After the base funding has been allocated, each community college shall be allocated up to an additional two percent of its base funding allocation. The community college's allocation shall be in the same proportion as the allocation of general state financial aid each community college received in the base year.

(3) *Three-year rolling average of full-time equivalent enrollment.* If the increase in the total state general aid exceeds two percent over the base funding allocation, an amount up to an additional one percent of the base funding allocation shall be distributed based upon each community college's proportional share of the three-year rolling average full-time equivalent enrollments for all community colleges.

(4) *Extraordinary growth adjustment.* If the increase in total state general aid exceeds three percent over the base funding allocation, an amount up to an additional one percent of the base funding allocation shall be distributed as follows:

(a) Forty percent of the moneys shall be allocated based upon each community college's proportional share of the three-year rolling average full-time equivalent enrollments for all community colleges.

(b) Sixty percent of the moneys shall be allocated to community colleges that have eligible growth support. The allocation shall be based upon the proportional share that each community college's eligible growth support bears to the total growth support amount. Once the moneys allocated under this subparagraph subdivision equal the total growth support amount, the remaining moneys allocated under this subparagraph shall be allocated as provided in subparagraph subdivision (4)(a).

(5) *Additional three-year rolling average FTEE allocation.* If the increase in total state general aid exceeds four percent over the base funding allocation, all remaining moneys shall be distributed based upon each college's proportional share of the three-year rolling average full-time equivalent enrollments for all community colleges.

b. If the inflation rate is greater than two percent but less than four percent:

(1) *Base funding allocation.* The moneys shall first be allocated in the amount of general state financial aid each community college received in the base year. If the appropriation is less than the total of the amount of general state financial aid each community college received in the base year, the moneys shall be allocated in the same proportion as the allocation of general state financial aid each community college received in the base year.

(2) *Marginal cost adjustment.* After the base funding has been allocated, each community college shall be allocated up to an additional two percent of its base funding allocation. The community college's allocation shall be in the same proportion as the allocation of general state financial aid each community college received in the base year.

(3) *Three-year rolling average of full-time equivalent enrollment.* If the increase in the total state general aid exceeds two percent over the base funding allocation, an amount up to an additional one percent of the base funding allocation shall be distributed based upon each community college's proportional share of the three-year rolling average full-time equivalent enrollments for all community colleges.

(4) *Extraordinary growth adjustment.* If the increase in total state general aid exceeds three percent over the base funding allocation, an amount up to an additional one percent of the base funding allocation shall be based as follows:

(a) Forty percent of the moneys shall be allocated based upon each community college's proportional share of the three-year rolling average full-time equivalent enrollments for all community colleges.

(b) Sixty percent of the moneys shall be allocated to community colleges that have eligible growth support. The allocation shall be based upon the proportional share that each community college's eligible growth support bears to the total growth support amount. Once the moneys allocated under this subparagraph subdivision equal the total growth support amount, the remaining moneys allocated under this subparagraph shall be allocated as provided in subparagraph, subdivision (4)"1" a.

(5) *Inflation adjustment.* If the increase in total state general aid exceeds four percent over the base funding allocation, an amount up to the inflation adjustment amount shall be distributed to each community college in the same proportion as the allocation of general state financial aid each community college received in the base year.

(6) *Additional three-year rolling average FTEE allocation.* If there are remaining moneys to be distributed under this paragraph after distributing moneys under subparagraph (5), all remaining moneys shall be distributed based upon each community college's proportional share of the three-year rolling average full-time equivalent enrollments for all community colleges.

c. If the inflation rate equals or exceeds four percent:

(1) *Base funding allocation.* The moneys shall first be allocated in the amount of general state financial aid each community college received in the base year. If the appropriation is less than the total of the amount of general state financial aid each community college received in the base year, the moneys shall be allocated in the same proportion as the allocation of general state financial aid each community college received in the base year.

(2) *Marginal cost adjustment.* After the base funding has been allocated, each community college shall be allocated up to an additional two percent of its base funding allocation. The community college's allocation shall be in the same proportion as the allocation of general state financial aid each community college received in the base year.

(3) *Three-year rolling average of full-time equivalent enrollment.* If the increase in the total state general aid exceeds two percent over the base funding allocation, an amount up to an additional one percent of the base funding allocation shall be distributed based upon each community college's proportional share of the three-year rolling average full-time equivalent enrollments for all community colleges.

(4) *Inflation adjustment.* If the increase in total state general aid exceeds three percent over the base funding allocation, an amount up to the inflation adjustment amount shall be distributed to each community college in the same proportion as the allocation of general state financial aid each community college received in the base year.

(5) *Extraordinary growth adjustment.* If there are remaining moneys to be distributed under this paragraph after distributing moneys under subparagraph (4) "1", an amount up to an additional one percent of the base funding allocation shall be based as follows:

(a) Forty percent of the moneys shall be allocated based upon each community college's proportional share of the three-year rolling average full-time equivalent enrollments for all community colleges.

(b) Sixty percent of the moneys shall be allocated to community colleges that have eligible growth support. The allocation shall be based upon the proportional share that each community college's eligible growth support bears to the total growth support amount. Once the moneys allocated under this subparagraph subdivision equal the total growth support amount, the remaining moneys allocated under this subparagraph shall be allocated as provided in subparagraph subdivision (a).

(6) *Additional three-year rolling average FTEE allocation.* If there are remaining moneys to be distributed under this paragraph after distributing moneys under subparagraph (5), all remaining moneys shall be distributed based upon each community college's proportional share of the three-year rolling average full-time equivalent enrollments for all community colleges.

21.45(3) Each community college shall provide student and financial information in the manner and form as determined by the department and before the deadline announced by the department. If the community college fails to provide the student or financial information as required, the department shall estimate the FTEE of that college that will be used in the state general aid distribution formula.

21.45(4) Each community college shall be required to hire an auditing firm to complete and submit the schedule of credit and contact hour enrollment and a letter certifying department of education-specified procedures were followed. These schedules will be used in calculating the college's full time equivalent enrollment utilized in the community college state general aid distribution formula.

Item 16. Amend rule **281—21.45(260C)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code ~~sections 260C.14(21) and 260C.49~~ section 260C.18C.

Item 17. Rescind and reserve rules **281—21.57(260C)** through **281—21.71(260C)**.

Item 18. Amend rule **281—21.73(260C)** by adding the following introductory phrase:
281—21.73(260C) Definitions. For the purpose of Division IX, the following definitions shall apply:

Item 19. Amend rule **281—21.73(260C)**, definitions of “Apprenticeship committee,” “Apprenticeship program,” “Registration agency,” “Registration of an apprenticeship agreement,” and “Related instruction” as follows:

“*Apprenticeship committee*” shall mean those persons designated by the sponsor to act for it in the administration of the program. A committee may be “joint,” i.e., composed of an equal number of representatives of the employer(s) and of the employees represented by a bona fide collective bargaining agent(s), and is established to conduct, operate, or administer an apprenticeship program and enter into apprenticeship agreements with apprentices. A committee may be “unilateral” or “~~nonjoint~~” “non-joint” and shall mean a program sponsor in which a bona fide collective bargaining agent is not a participant.

“*Apprenticeship program*” shall mean a plan containing all terms and conditions for the qualification, recruitment, selection, employment and training of apprentices, including such matters as the requirement required under 29 C.F.R. Parts 29 and 30, including the requirement for a written apprenticeship agreement.

“*Registration agency*” shall mean the Bureau Office of Apprenticeship.

“*Registration of an apprenticeship agreement*” shall mean the acceptance and recording ~~thereof of an apprenticeship agreement~~ by the Bureau Office of Apprenticeship as evidence of the ~~participation of the apprentice~~ apprentice’s participation in a particular registered apprenticeship program.

“*Related instruction or related technical instruction*” shall mean an organized and systematic form of instruction designed to provide the apprentice with the core knowledge of the theoretical and technical subjects related to the trade or occupation apprentice’s occupation. Such instruction may be given in a classroom through occupational or industrial courses, or by correspondence courses of equivalent value, or electronic media, or other forms of self-study approved by the registration agency.

Item 20. Rescind the definitions of “Bureau” and “Certification” in rule **281—21.73(260C).**

Item 21. Adopt the following new definitions in rule **281—21.73(260C):**

“*Apprenticeship instructor*” shall mean an instructor delivering related and technical instruction in apprenticeship programs and must meet the department’s requirements for career and technical instructors in or be recognized as a subject matter expert. It is recommended that all apprenticeship instructors have training in teaching techniques and adult learning styles.

“*Certification or certificate*” shall mean documentary evidence that at least one of the following has been met:

- (1) The Office of Apprenticeship has approved a set of National Guidelines for Apprenticeship Standards developed by a national committee or organization, joint or unilateral, or policy or guideline used by local affiliates, as conforming to the standards of apprenticeship set forth in 29.5;
- (2) A Registration Agency has established that an individual is eligible for probationary employment as an apprentice under a registered apprenticeship program.
- (3) A Registration Agency has registered an apprenticeship program as evidenced by a Certificate of Registration or other written indicia;
- (4) A Registration Agency has determined that an apprenticeship has successfully met the requirements to receive an interim credential; or

(5) A Registration Agency has determined that an individual has successfully completed an apprenticeship.

“Competency” shall mean the attainment of manual or technical skill and knowledge, as specified by an occupational standard.

“Journeyworker” shall mean a worker who has attained a level of skill and competency recognized within an industry as having mastered the skills and competencies required for the occupation.

“Office of Apprenticeship” shall mean the office designated by the Employment and Training Administration to administer the National Apprenticeship System or its successor organization.

“Supplemental instruction” shall mean instruction in non-core related requirements, for example, job site management, leadership, communications, first aid/CPR, field trips, and new technologies.

Item 22. Amend rule **281—21.74(260C)** as follows:

281—21.74(260C) Apprenticeship programs. For an apprenticeship program to be offered by a community college or a local educational agency, the program must be approved by the U.S. Department of Labor, ~~Bureau~~ Office of Apprenticeship and Training, and meet all requirements outlined in ~~Title 29, Part 29, of the National Apprenticeship Act, 29 U.S.C. § 50, 29 C.F.R. Parts 29 and 30.~~

Item 23. Amend **281—chapter 21**, Division IX, implementation sentence, as follows:

The rules in this division are intended to implement Iowa Code section 260C.44 and ~~Title 29, Part 29, of the National Apprenticeship Act, 29 U.S.C. § 50, 29 C.F.R. Parts 29 and 30.~~